

REMARKS

Preliminary Matters

As preliminary matters, the Examiner has not indicated acceptance of the drawings filed on January 21, 2005. Therefore, Applicant respectfully requests that the Examiner indicate acceptance of the drawings in the next communication.

The Examiner has also objected to claim 2 because of a minor informality. In response, Applicant has amended claim 2 and respectfully requests that the Examiner withdraw this objection in view of this self-explanatory claim amendment.

Prior Art Rejections

Rejection under 35 U.S.C. § 102

Claims 1-4, 6-10, 12-16, 18, and 19 are rejected as being anticipated by Stephenson.

Claim 1

The Examiner contends that Stephenson discloses each and every feature of independent claim 1.

The newly found reference, Stephenson, relates to correcting an image to be printed on a receiver (such as paper or transparent film) without adjusting the receiver *i.e.*, the corrections are performed by software means (col. 2, lines 14 to 27).

Specifically, Stephenson discloses a print head 8 recording an image on a receiver 12, a transport platen 10 (transporting means) that advances the receiver 12 (Fig. 1; col. 5, lines 3 to 28). Stephenson further discloses a position sensor 16 that senses dislocations during the transporting of the receiver. The position sensors are triggered by the trigger sensor 14 to

accurately measure the position of the receiver 12 relative to the nominal position of the receiver 12 (col. 5, line 63 to col. 6, line 5). Nominal position may be programmed into the printer 7 (col. 6, lines 36 to 47).

Stephenson further discloses that any dislocations from the nominal location of the receiver 12 are detected by the sensor 16 and are transmitted to the data conditioner 18. The data conditioner 18 then generates correction signals which are used to compensate for the detected dislocations. The printer controller 20 receives the correction signals and integrates them with the image data being received from the computer image source 24. Image data, including position information, is then sent to the print head 8 in a pattern that corrects for the detected dislocations. The print head 8 is thus able to generate an image in exactly the desired location on the receiver 12 even though the receiver 12 is not at its nominal position on the transport platen 10 (col. 6, lines 5 to 18). Specifically, the data conditioner 18, which may be located in the printer controller 20, constructs a table of line offsets for each image (col. 8, lines 18 to 45 and col. 9, lines 32 to 40).

Applicant respectfully requests that the Examiner withdraw the rejection of amended, independent claim 1 for at least the following reasons. Claim 1 recites “a reference storage unit storing corresponding relationship between the position detecting unit and the image recording unit; and an image recording position correcting unit which allows said image recording unit to correct an image recording position for said image recording material by referencing the corresponding relationship stored in the reference storage unit and based on result of detection of

said position of said image recording material in said at least one side by said position detecting unit.”

Stephenson relates to printing an image by compensation for dislocation of printing media (*see* Abstract). Stephenson, however, discloses calculating the offset amount based on a nominal position (col. 8, lines 18 to 47 and col. 9, lines 31 to 40). That is, Stephenson fails to disclose or suggest having a reference storage unit that stores a corresponding relationship between the image recording unit and the position detecting unit. In other words, in Stephenson, complex calculations are performed to determine the offset position *i.e.*, which is time consuming and often requires additional computational resources.

Stephenson fails to disclose or suggest correcting the image data by referencing the corresponding relationship between the print head and the sensors stored in the storage unit. Stephenson fails to disclose or suggest comparing position of the medium detected by the sensors with positions stored in the reference storage unit so as to obtain required output positions, thereby not requiring any complex calculations.

In summary, the deficiencies of the Stephenson reference fall to the Examiner’s burden to show inherent inclusion of the claim elements. Therefore, for all the above reasons, independent claim 1 is patentable, and claims 2-4, 6, and 7 are patentable at least by virtue of their dependency on claim 1.

Claim 3

In addition, dependent claim 3 recites: “said position detecting unit having a laser length measuring unit.” The Examiner contends that Stephenson’s position sensor 16 is the laser length measuring unit (*see* page 3 of the Office Action). Applicant respectfully disagrees.

The Examiner contends that col. 6, lines 1 to 5 disclose these unique features of claim 3. However, col. 6, lines 1 to 5 only disclose the position sensor 16 is activated by a signal “from the trigger sensor 14 to accurately measure the position of the receiver 12 relative to the nominal position of the receiver which was determined when the receiver reached the position-sensing location the first time.” Clearly, this quoted passage does not disclose or suggest the position sensor 16 having a laser length measuring unit. Instead, Stephenson discloses a CCD linear image sensor that detect whether the receiver 12 is exposed to each of the plurality of sensors (col. 6, line 48 to col. 7, line 14).

Since Stephenson only discloses a sensor detecting the presence or absence of the receiver 12 and fails to disclose or suggest a laser length measuring unit, the rejection is improper as it lacks “sufficient specificity” required under 102. “[A]nticipation under § 102 can be found only when the reference discloses exactly what is claimed and that where there are differences between the reference disclosure and the claim, the rejection must be based on § 103 which takes differences into account.” *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985); MPEP § 2131. Therefore, for at least this additional exemplary reason, claim 3 is patentably distinguishable from Stephenson.

Claim 8

Independent claim 8 recites: “a position detecting unit for said image forming material which is arranged at positions of said at least two sides along said predetermined transporting direction, and which detects a size of said image recording material based on positions of said at least two sides along said predetermined transporting direction.” The Examiner contends that sensors 14 and 16 of Stephenson disclose detecting the size of the receiver 12 (*see* page 4 of the Office Action). Applicant respectfully disagrees.

In Stephenson, sensors 14 and 16 are only used to detect the dislocation of the receiver 12 and not the size of the receiver 12. In fact, Stephenson only discloses that the maximum positional error may vary from one printer configuration to another *e.g.*, printers for large receivers versus printers for small receivers, and that this maximum positional error may be calculated using statistics (col. 10, lines 5 to 12). Stephenson, however, does not disclose or suggest detecting the size of the receiver. Further, Stephenson does not disclose or suggesting correcting the dislocation of the receiver 12 based on the detected size.

In summary, the deficiencies of the Stephenson reference fall to the Examiner’s burden to show inherent inclusion of the claim elements. Therefore, for all the above reasons, independent claim 8 is patentable. Claims 9, 10, 12, and 13 are patentable at least by virtue of their dependency on claim 8.

Claim 14

Independent claim 14 recites features similar to, although not necessarily coextensive with, the features argued above with respect to claim 1. Therefore, arguments presented with

respect to claim 1 apply with equal force here. For at least substantially analogous exemplary reasons, therefore, independent claim 14 is patentably distinguishable from Stephenson. Claims 15, 16, 18, and 19 are patentable at least by virtue of their dependency on claim 14.

Rejections under 35 U.S.C. § 103

Claims 5, 11, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Stephenson in view of Taniguchi, previously made of record.

Claims 5, 11, and 17 depend on claims 1, 8, and 14, respectively. It was already demonstrated that Stephenson fails to disclose or suggest all of the unique features of claims 1, 8, and 14. Taniguchi is only cited for its teachings of a potentiometer (*see* page 7 of the Office Action) and as such clearly fails to cure the deficient teachings of Stephenson. Therefore, claims 1, 8, and 14 are patentable over the combined teachings of Stephenson and Taniguchi. Claims 5, 11, and 17 are patentable at least by virtue of their dependency on claims 1, 8, and 14, respectively.

In addition, there is no motivation to combine the references in the manner suggested by the Examiner. The Examiner alleges that “Taniguchi discloses a potentiometer with a lever for a printer” (*see* page 10 of the Office Action). We disagree. Taniguchi is unrelated to the printer or image recording apparatuses. Taniguchi relates to packaging coins with a packaging paper (*see* Abstract). Accordingly, Taniguchi is from a different field of endeavor and one of ordinary skill in the art confronted with the problem of Stephenson would not have turned to a reference such as Taniguchi, which is unrelated to recording images. For at least this additional exemplary

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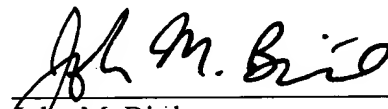
reason, claims 5, 11, and 17 are patentable over the combined teachings of Stephenson and Taniguchi.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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